IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 53 OF 2005

The Bombay Samachar Pvt.Ltd. & anr. ... Appellants.
Versus.
Indian Newspaper Soceity and ors. ... Respondents.

Shri Janak Dwarkadas, Senior Counsel i/by M/s.Gagrat & Co. for the Appellants.

Shri Chaudhari for the Respondents Nos.1 & 2.

Shri A.S.Doctor i/by M/s.J.Sagar & Associates for the Respondent No.3.

CORAM : ABHAY S. OKA, J.

DATED : 7th February, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. After arguing the Appeal for sometime, Shri Dwarkadas, the learned Senior Counsel appearing for the Appellants stated that the Appellants may be permitted to withdraw the Appeal. He submitted that the election has taken place on 23rd September 2004 and the term is only for one year. He submitted that considering the factual controversy involved in the suit and considering the fact that by September 2005 the dispute in the suit will become academic, the learned trial Court may be directed to hear and dispose of the suit expeditiously and preferably within a period of three months. He submits that the oral evidence may not be very lengthy.

2. After hearing the parties and after perusing the

plaint and other relevant documents, I am satisfied that the suit needs early hearing and disposal.

3. Both the parties have assured that the adjournments will not be sought on unreasonable grounds.

4. Hence the following order is passed:

(i) The Appeal is dismissed as withdrawn.

(ii) The parties are directed to appear before the learned trial Judge on 14th February 2005 at 11.00 a.m. for fixing the schedule of hearing of the suit. The statement made by the learned Counsel appearing for the parties that they will cooperate with the learned trial Judge for early disposal of the suit is accepted.

(iii) Considering the peculiar facts of the case, the learned trial Judge will decide the suit as expeditiously as possible and preferably on or before 7th May 2005.

(iv) It is needless to say that the suit will be decided on its own merits without being influenced by the tentative findings recorded in the impugned order.

(v) The parties and the concerned Court to act on authenticated copy of the order.

Judge.